

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THOMAS R. FERRETTI,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 24-CV-2865
	:	
RYAN EMRICK, <i>et al.</i> ,	:	
Defendants.	:	

ORDER

AND NOW, this 4th day of October, 2024, upon consideration of Plaintiff Thomas R. Ferretti's Motion to Proceed *In Forma Pauperis* (ECF No. 1), his Prisoner Trust Fund Account Statement (ECF No. 2), Letter of July 26, 2024 (ECF No. 7), and his *pro se* Complaint (ECF No. 3), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Thomas R. Ferretti, # 188490, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Lehigh County Prison or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Ferretti's inmate account; or (b) the average monthly balance in Ferretti's inmate account for the six-month period immediately preceding the filing of this case. The Warden of Lehigh County Prison or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Ferretti's inmate trust fund account exceeds \$10.00, the Warden of Lehigh County Prison or other appropriate official shall forward payments to the Clerk of Court equaling 20% of

the preceding month's income credited to Ferretti's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of Lehigh County Prison.

4. The Complaint is **DEEMED** filed.

5. All claims against Coplay Police and all HIPAA claims are **DISMISSED WITH PREJUDICE**.

6. The Clerk of Court is **DIRECTED** to terminate Coplay Police as a Defendant.

7. All claims asserted on behalf of Jane Chase are **DISMISSED WITHOUT PREJUDICE**.

8. The following claims asserted by Ferretti on his own behalf are **DISMISSED WITHOUT PREJUDICE**: (1) the harassment claims based on employment status, as well as any collective harassment claim; (2) Fair Credit Reporting Act claims and other unspecified banking laws claims; (3) claims about frivolous criminal complaints; (4) claims about Emrick transporting Ferretti; (5) claims about contacting Ferretti's probation officers; and (6) Ferretti's request for preliminary injunctive relief.

9. Ferretti may file an amended complaint within thirty (30) days of the date of this Order. Any amended complaint must identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Ferretti's claims against each defendant. The amended complaint shall be a complete document that does not rely on the initial Complaint or other papers filed in this case to state a claim. **This means that if Ferretti files an Amended Complaint, he must reallege his sexual assault claim or that claim will be waived.** Ferretti may not reassert any claim that has

already been dismissed with prejudice. When drafting his amended complaint, Ferretti should be mindful of the Court's reasons for dismissing the claims in his initial Complaint as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

10. The Clerk of Court is **DIRECTED** to send Ferretti a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. Ferretti may use this form to file his amended complaint if he chooses to do so.

11. If Ferretti does not wish to amend his Complaint and instead intends to proceed only on his sexual assault claim, he may file a notice with the Court within thirty (30) days of the date of this Order stating that intent, at which time the Court will direct service of that claim **only**.

12. If Ferretti fails to file any response to this Order, the Court will conclude that Ferretti intends to proceed only on his sexual assault claim and the Court will direct service of that claim **only**.

BY THE COURT:

/s/ John Milton Younge
JOHN MILTON YOUNGE, J.